

**Notice of Allowability**

Application No.

09/926,258

Examiner

Shaima Q. Aminzay

Applicant(s)

SATO ET AL.

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 7, 2005.
2. ☒ The allowed claim(s) is/are 1-8, 10, 12 and 14-20.
3. ☒ The drawings filed on 29 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## ***DETAILED ACTION***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Jun 7, 2005 has been entered.

### ***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lytle D. Bradley, Reg. No. 40,073 on July 25, 2005. The applicant representative, Lytle D. Bradley agreed to the following changes without prejudice.

In the claim 1, line 9, the word "indicting" has been changed to -- indicating --.

### ***Allowable Subject Matter***

2. Claims 1-8, 10, 12, and 14-20 are allowed.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reason for allowance:

The applicant filed amendment on June 7, 2005 in response to the final office action mailed February 7, 2005, the amendments to the independent claims 1 and 10 puts the application in conditions for allowance. The independent claims 12 and 20 were allowed in the previous office action.

The prior art specifically Kojima, Rune, and Sydon are failed to render obviousness in combination or individually and failed to anticipate individually the following underlined limitations:

"A wireless base station which is connected to a plurality of wireless terminals and provides a multicasting service for the plurality of wireless terminals, the wireless base station comprising: a transmitter unit configured to transmit a first message to neighboring wireless bas stations: a receiver unit configured to receive a second message; a message from the neighboring wireless base

station; a message processing unit configured to extract related control data from the second message received by the receiver unit, the multicast-related control data indicating multicasting service states of the neighboring wireless base stations; a determining unit configured to determine whether the wireless base station provides the multicasting service for the plurality of wireless terminals, based on the multicasting service states of the neighboring base stations indicting by the multicast related control data; and a message generating unit configured to generate the first message that is indicative of determining result by the determining unit, and sending the first message to the transmitter unit so that the transmitter unit transmits the first message, wherein the wireless base station determines autonomously whether the wireless base station provides the multicasting service for the plurality of wireless terminals” as disclosed in claim 1.

“A wireless base station which is connected to a control station and a plurality of wireless terminals and provides a multicasting service for the plurality of wireless terminals, characterized in the wireless base station comprising: a transmitting unit configured to transmit a first state signal to the control station, the first state signal indicating a multicasting service state of the wireless base station; and a receiving unit configured to receive a second state signal from the control station, the second state signal indicating a multicasting service states of the neighboring wireless base stations, wherein the wireless base station determines whether the wireless base station provides the multicasting service, for the plurality of wireless terminals, based on the multicasting service states of

the neighboring wireless stations indicated by the second state signal” as disclosed in claim 10.

“A method of selecting a wireless base station for a wireless terminal, the wireless base station providing a multicasting service for the wireless terminal, comprising: detecting whether the wireless terminal can receive same multicasting information from a plurality of wireless base stations; determining a number of wireless terminals to which the same multicasting information is being transmitted by each of the plurality of wireless base stations, and selecting one of the plurality of wireless base stations based on the number of wireless terminals determined in the determining step, so as to make a number of the wireless base stations that transmit the same multicasting information as small as possible, wherein, when there is a first wireless base station that is connectable to the wireless terminal and transmitting the same multicasting information to the wireless terminal, the wireless terminal selects the first wireless base station and is connected to the first wireless base station.” as disclosed in claims 12.

“A wireless terminal which receives a multicasting service provided by a wireless base station, characterized in comprising: an analysis unit determining the number of wireless terminals connected to a multicast group, based on a received control data; and a comparison unit determining whether the determined number is larger than the number of wireless terminals currently connected to the base station, wherein the wireless terminal selects one of connection of the wireless terminal to the base station and disconnection of the wireless terminal

from the base station based on the result of the determination of the comparison unit, so as to make the number of wireless base stations that send identical multicasting information as small as possible" as disclosed in claim 20.

For these reasons, independent claims 1, 10, 12, and 20 are allowed. Claims 2-8, 16-19, which depend from independent claim 1, and claims 14-15 which depend from independent claim 12 are allowed under the same reasons set forth in claims 1, and 12.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-276-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay  
(Examiner)

July 25, 2005

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**

---

Nay Maung  
(SPE)

Art Unit 2684